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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,664	06/24/2003	Takashi Omata	500.37389CX1	9544

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EXAMINER

PARRIES, DRU M

ART UNIT PAPER NUMBER

2836

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,664

Applicant(s)

OMATA ET AL.

Examiner

Dru M. Parries

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46,49-51,55 and 59-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 59-69 is/are allowed.
- 6) ☒ Claim(s) 46,49-51 and 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/351,130.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 5, 2006 have been fully considered but they are not persuasive. Regarding the Howe reference, Howe teaches a system where 2-way communication is attempting to be established (between the calling party (17) and the called party (18)). The calling party corresponds to the terminal board, and the called party corresponds to the operation apparatus in the Meier reference. In the Howe reference, a valid response from the called party would be "accepted" (vs. "rejected" or "monitored"), and therefore two-way communication would be established. However, if the calling party does not receive a valid response, the calling party leaves a recorded message in one-way communication, when two-way communication is not established, without receiving a valid response from the called party (i.e. operation apparatus). Therefore, Howe teaches a system where when 2-way communication fails to be established, one-way communication is performed, instead, with no valid response being received.

The Applicant acknowledges the fact that the called party can select one or two way communication at anytime. NOTE: The calling party is attempting to establish two-way communication and if the called party selects one-way communication then the calling party's attempt at two-way communication has failed, and therefore one-way communication is established.

2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

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Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). This is in response to the Applicant's argument that Howe doesn't teach attempting to establish two-way communication at a lowest data rate. The Examiner agrees that Howe doesn't teach that, however, Landry does so that argument is moot.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 46, 49, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (6,323,566), Landry et al. (5,450,438), and Howe et al. (5,471,519). Meier teaches a terminal board (15) having an operation button (18) for instructing an operation to be executed by an operation apparatus (11). He also teaches a circuit (16) that transmits the instructions, and a circuit (12) that receives the instructions, and a control circuit (14) for transmitting the instruction contents to the controlled equipment (Abstract; Col. 5, lines 26-29; Fig. 1). He also teaches the data rate of the operation apparatus being lower than that of the terminal board. He also teaches a control circuit for finishing the communication operation when communication is established (Col. 5, lines 14-26). Meier fails to teach the use of a variety of data rates and the way the various data rates are used in a system like this nor does he teach what happens when two-way communication fails. Landry teaches the use of a plurality of data rates for transmitting data. He also teaches the idea of transmitting data at the highest data rate at first (9600 bps) and when valid communication is not established automatically shifting to a lower data rate where

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communication can be established. He also teaches serially lowering the data rate of the data (Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a plurality of data rates because of the varying system considerations, one won't have to start over and build a new system, and to always communicate at the most efficient level. Howe teaches the idea of executing one-way communication if two-way communication fails (Col. 5, lines 30-45). It would have been obvious to one of ordinary skill in the art at the time of the invention to use one-way communication if two-way communication fails so that the information can still be delivered to the apparatus.

5. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (6,323,566), Landry et al. (5,450,438), and Howe et al. (5,471,519) as applied to claim 49 above, and further in view of Nishimoto et al. (JP 08-284505). Meier, Landry, and Howe teach a remote keyless entry system as described above. They all fail to teach a report circuit. Nishimoto teaches a report circuit that reports to an operator when an operation is made. It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature to the terminal board of Meier's invention to give more information about the system to the user.

6. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (6,323,566), Landry et al. (5,450,438), and Howe et al. (5,471,519) as applied to claim 49 above, and further in view of Takano (JP 04-315684). Meier, Landry, and Howe teach a remote keyless entry system as described above. They both fail to teach a display for displaying indicators indicating the data rate. Takano teaches a display that displays the state of the car, which when combined in Meier's invention would include the data rate of communication with the car. It

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would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a display on the terminal board to display information about the car/system so that the user will know how the car and system are functioning at all times.

Allowable Subject Matter

7. Claims 59-69 are allowed.

Conclusion

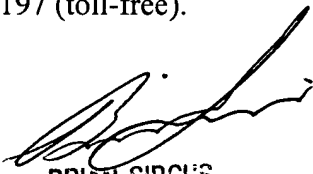
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dru M. Parries whose telephone number is (571) 272-8542. The examiner can normally be reached on Monday -Thursday from 8:00am to 5:00pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus, can be reached on 571-272-2800 x 36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMP

9-8-2006


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